

PLANNING BOARD MINUTES

AUGUST 13, 2014

Town Council Chambers, 350 East Main Rd., Middletown, RI

Board members present:

Gladys Lavine, Chair

Pete Marnane, Vice Chair Ron Wolanski, Planning Director

Betty Jane Owen, Secretary Frank Holbrook, Assistant Town Solicitor

Matthew Sullivan Russ Jackson, Assistant

John Ciummo

Charlene Rose-Cirillo

Art Weber

The meeting was called to order by Ms. Lavine at 6:00pm.

1. Approval of the minutes of the July 9, 2014 regular Planning Board meeting, and the special meetings of July 16, 2014, and July 23, 2014.. Motion by Mr. Weber, seconded by Ms. Owen, to approve the minutes of the June 11, 2014 regular Planning Board meeting, and special meetings of May 29, 2014 and June 26, 2014. Vote: 7-0-0.

1. Public Hearing - Request for Development Plan Review: Telly & Elizabeth Amarant (Sea Breeze Inn), proposed building addition and expansion from seven rooms to 16 rooms. 147 Aquidneck Ave., Plat 115SE, Lot 54

2. Request of the Zoning Board of Review for an advisory recommendation on a petition of Telly & Elizabeth Amarant for a Special Use Permit from Section 602, 902, 1401 & 1402 to allow the expansion of the present transient lodging use with seven rooms and restaurant to 16 rooms (hotel use) with restaurant, Said real estate located at 147 Aquidneck Ave., and further identified as Lot 54 on Tax Assessor's Plat 115SE.

Mr. Holbrook recused on this matter. Mr. Jackson served as solicitor. The applicant was represented by attorney Joe Hook. Mr. Hook summarized the matter before the board.

Ms. Lavine stated that she and other board members would like to conduct a site visit prior to considering the application.

Mr. Hook indicated that he understood the request.

Mr. Wolanski was asked to email with the board members and applicant to determine the best date for the site visit.

Motion by Mr. Weber, seconded by Ms. Owen, to continue the matter to the September 10, 2014 Planning Board meeting at 6pm. Vote: 7-0-0.

3. Public Hearing - Arleen Kaull on behalf of Corey, Joseph E. U/W of Nominees/Assigns - Request for combined Master, Preliminary, and Final Plan approval for a proposed 2-lot major subdivision of property fronting on Green End Ave. & an unnamed paper road, Plat 129, Lot 713.

4. Consideration of application - Arleen Kaull on behalf of Corey, Joseph E. U/W of Nominees/Assigns - Request for combined Master, Preliminary, and Final Plan approval for a proposed 2-lot major

subdivision of property fronting on Green End Ave. & an unnamed paper road, Plat 129, Lot 713.

Mr. Holbrook recused himself from discussion of this item. Mr. Jackson served as solicitor.

The applicant was represented by attorney Jay Lynch. Mr. Lynch stated that the a revised plan has been provided that would require the granting of zoning relief by the zoning board of review. The applicant is seeking master plan approval.

Mr. Sullivan asked about the remaining five outstanding issues identified in Mr. Wolanski's memo to the board dated August 1, 2014.

Mr. Lynch stated that the RIDEM has approved the wetland delineation, and is not requiring the ASSF be identified on the plan. The requested easement and other items will be addressed.

Mr. Weber expressed concern with proceeding with the items remaining to be addressed.

Mr. Wolanski suggested that the board could proceed with a conditional master plan approval, with the remaining items to be addressed to the board's satisfaction prior to preliminary plan approval. The board would not lose the ability to require that these items be addressed.

Mr. Jackson agreed that this approach would maintain the boards ability to address the identified issues at preliminary plan stage.

Ms. Lavine invited public comment.

Saul Woythaler of 19 Baldwin Rd. questioned how the applicant could be allowed to use the public road for a private driveway, and questioned who be responsible for maintaining the driveway.

Mr. Wolanski stated that the applicant has requested waivers from the road construction standards, which the board will consider. If denied, a standard town road would be required. The applicant would be responsible for maintaining the road.

Mr. Woythaler stated that he is also concerned about safety. In the past the Fire Department had denied extension of another road in the neighborhood.

Mr. Wolanski stated that the Fire Department has approved the proposed road construction.

Mr. Woythaler stated that the area is very wet, which causes icing on the road in the winter.

Ms. Lavine and Mr. Marnane noted that the Board has requested that the town review the drainage situation in the neighborhood. Mr. Marnane stated that this application, if approved, would not have an adverse impact on the neighborhood as runoff entering the area from upslope appears to be the problem.

Kristen Keene of 9 Russet Rd. stated that she continues to be concerned with the potential for a road connection to Green End Ave. The paper street has been maintained by the abutting property owners for many years. In some jurisdictions the ownership of the road would revert to the abutters. She noted the remaining issues discussed earlier in the meeting that have yet to be resolved. She stated that the applicant's family has influence in the town and that it appears that the application is being pushed through, and appears to be a done deal. The board should put the interests of town residents first.

Ms. Lavine stated that the board has taken deliberate action and is continuing to conduct a careful review of the application.

There being no one else wishing to speak, motion by Ms. Owen, seconded by Ms. Cirillo, to close the public hearing. Vote: 7-0-0.

Mr. Weber stated that it is important that the board ensure that the remaining issues be addressed and consider the concerns of the abutters.

Mr. Sullivan asked if there are wetlands on the north side of Porter Road that have not been delineated.

The applicant's engineer, Kamal Hingorany, stated that there was no flagging of wetlands in that location because it is not in proximity to the proposed development.

Mr. Sullivan asked why the ASSF identified by the Town Engineer has not been identified on the plan.

Mr. Hingorany stated that he had discussions with RIDEM wetlands section, who indicated that if the ASSF is within a delineated wetland area, it need not be separately identified.

Mr. Weber asked Mr. Jackson to comment on the ownership of the paper road and the ability of abutters to take possession.

Mr. Jackson stated that he was not aware of any provision that would allow abutters to take possession of a public paper road, such as in an adverse possession situation.

Mr. Marnane asked if the applicant would be able to access Green End Ave. from the property without town permission.

Mr. Wolanski stated that the property owner would have the right to access Green End Ave. with a driveway, but extension of a road to

Green End would require town approval.

Mr. Ciummo asked if the access to the proposed building lot would be a road or a driveway.

Mr. Wolanski stated that the access to the lot would be via a road that would not be constructed to town standards if the requested waivers are granted. It would look like a driveway contained in the road right of way.

Motion by Mr. Marnane, seconded by Ms. Owen to grant conditional master plan approval subject to the condition that the following items be addressed and satisfied prior to consideration of the preliminary plan:

a. The plan does not show the 18" RCP drain pipe on abutting property and 6" drain pipe entering the applicant's property, as well as areas subject to storm flowage (ASSF) on the applicant's land associated with these pipes.

b. ASSFs, which are defined as wetland areas, must be shown on the plan and may require revised RIDEM wetland edge verification.

c. An easement or other mechanism should be incorporated on the plan to address the ASSF resulting from storm water entering the subject property from the 18" pipe.

d. A note must be added to the plan to indicate that use of the road as designed is limited to providing access to the single proposed lot, and that maintenance of the road/driveway will be the responsibility of the lot owner. Any future expansion of the use of the road would require that it be constructed to town standards.

e. The area of proposed Parcel 1 must be corrected on the plan.

Vote: 6-1-0, with Mr. Weber voting in opposition.

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5. Update on activities of the Aquidneck Island Planning Commission.
Mr. Ciummo provided an update on the activities of the Aquidneck Island Planning Commission. Ms. Dolan is leaving her position as director, and will be honored during the August 18th Town Council meeting.

6. Update on BRAC Navy Surplus Land reuse planning process.
Mr. Wolanski stated that the Town continues to await a decision from the US Navy on the request of the Bureau of Indian Affairs to take control of the surplus Navy property on behalf of the Narragansett Indian Tribe.

7. Update on process to complete Comprehensive Plan update.
Mr. Wolanski stated that the public hearing on the draft comprehensive plan will held on August 20th. The Board has been provided with comments received to date, and will have to determine how it wishes to address them following the public hearing. This work may require an additional meeting, in which case the hearing should remain open an continued to the subsequent meeting date. Mr. Wolanski also noted that the plan will include the recently approved local hazard mitigation plan as an appendix, as is the case with the current plan. It should be made clear at the opening of the public hearing that the hazard mitigation plan is also being considered for adoption as part of the comprehensive plan.

8. Request of the Zoning Board of Review for an advisory recommendation on an application of Paul McKillop, 299 Third Beach

Rd., Plat 126, Lot 52, for a special use permit to allow residential development within Zone 1 of the Watershed Protection District Paul McKillop, the applicant, was present.

Mr. Wolanski described the request.

Mr. Weber stated that he would like the Planning Board to schedule a site visit to view the property before proceeding.

Mr. Sullivan asked if the applicant had a better site plan than the one provide with the application.

Mr. McKillop reviewed a site plan with the board, a portion of which was submitted with the application.

Motion by Mr. Weber, seconded by Mr. Marnane, to continue the matter to the September 10, 2014 Planning Board meeting and to request that the Town Planner assist with scheduling a site visit.

Vote: 7-0-0.

Motion to adjourn by Mr. Marnane, seconded by Ms. Cirillo. Vote: 7-0-0.

Meeting adjourned at 7:00 pm.

Respectfully submitted:

Ronald Wolanski

Planning Director